

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

MARYLAND SHALL ISSUE, INC., *et al.*,

Plaintiffs

v.

MONTGOMERY COUNTY, MARYLAND

Defendant

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Case No.: 485899V

**JOINT MOTION TO EXTEND TIME (TO ONE HOUR) FOR ARGUMENT ON
PARTIES' CROSS-MOTIONS FOR SUMMARY JUDGMENT**

Plaintiffs, Maryland Shall Issue, Inc., et al., and Defendant Montgomery County, Maryland, by and through their undersigned counsel and pursuant to the Rules of this Court, respectfully request that this Court extend the time allotted for argument on the parties' cross-motions for summary judgment scheduled for May 23, 2022 to one hour, and as grounds therefore, state as follows:

1. On May 28, 2021, Plaintiffs filed a four-count Complaint in this Court, seeking declaratory relief and an injunction against enforcing County Bill 4-21, which made changes to Chapter 57, Weapons, of the Montgomery County Code. Complaint ¶ 1. The law went into effect on July 16, 2021. *Id.*

2. The Counts and declarations sought by Plaintiffs are as follows:

- Count I: the Bill is not a valid local law under Md. Const. Art. XI-A (the Home Rule Amendment);
- Count II: the Bill is preempted by and in conflict with State law;
- Count III: the Bill is an unconstitutional taking under Md. Const. art. III § 40 and Md. Decl. Rights art. 24 (this count also seeks "just compensation" from the County);
- Count IV: the Bill violates due process because it is unconstitutionally vague under Md. Decl. Rights art. 24 and U.S. Const. 14th Amendment (the latter claim

also seeks damages and attorney's fees under 42 U.S.C. §§ 1983 and 1988, respectively).

3. Plaintiffs filed a 52-page Motion for Partial Summary Judgment on June 16, 2021.

4. On July 12, 2021, the County removed the Complaint to the United States District Court for the District of Maryland. On July 19, the federal court denied Plaintiffs' Motion, without prejudice, because the federal court's case management order precluded filing a motion without first seeking a pre-motion conference with the court. Thereafter, Plaintiffs filed a Motion to Remand the Complaint to state court. The County opposed that Motion.

5. By Order dated February 7, 2022, the federal court granted, in part, Plaintiffs' Motion to Remand. The federal court remanded Counts I, II, and III to this Court while retaining, but holding in abeyance, Count IV pending resolution of the other claims in this Court.

6. On February 22, 2022, Defendant Montgomery County, Maryland filed a 48-page Motion to Dismiss or, Alternatively for Summary Judgment, and Opposition to Plaintiffs' Motion for Partial Summary Judgment in this Court.

7. On March 7, 2022, Plaintiffs filed a 37-page opposition to the County's Motion Dismiss and/or Summary Judgment and more recently filed a Supplemental Memorandum Regarding Enactment of Senate Bill 387 and House Bill 425.

8. This Court has scheduled oral argument on the parties' cross-motions for May 23, 2022; only 30 minutes are allotted for argument.

9. Given the complexity of the issues raised in Counts I-III, the normal 30 minutes allotted for oral argument will not be sufficient. Therefore, the parties request that this Court extend the time allotted for argument on the parties' cross-motions scheduled for May 23, 2022, for total argument time not to exceed 1 hour.

10. This motion is made to avoid any prejudice that would result from imposition of

the ordinary oral argument time limitation for dispositive motions.

WHEREFORE, the parties respectfully requests that this Court set the parties' cross-motions for total argument time not to exceed 1 hour on May 23, 2022.

Respectfully submitted,

/s/ Mark W. Pennak
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 28th day of April 2022, a copy of the foregoing was electronically served through the MDEC to:

Mark W. Pennak
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mpennak@marylandshallissue.org

/s/ Edward B. Lattner
Edward B. Lattner, Chief
Division of Government Operations

motion extend time for argument
21-003732

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ORDER

UPON CONSIDERATION of the Joint Motion To Extend Time (To One Hour) For Argument On Parties' Cross-Motions For Summary Judgment, it is, by the Circuit Court for Montgomery County, Maryland, on _____,

ORDERED, that the parties' Joint Motion is GRANTED; and it is further,

ORDERED, that up to one hour shall be allotted for oral argument on May 23, 2022, on the parties' cross-motions for summary judgment.

JUDGE, Circuit Court for
Montgomery County, Maryland

cc: all parties of record